

T1863 SHARP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Mrs. Vaudis A. Sharp Phone
Post office address RFD #3, Box 609, Preston, Idaho 83263

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Alvin Sharp (Name)
in case of Henry T. McEwan vs Franklin County Sugar Co., et al
dated 7/09/24 in Fifth Judicial Dist. county of Franklin
(Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
3. Source of water Cub River tributary to Bear River
4. Date of priority 13-0019--1882--0.20 cfs; 13-0020--1892--0.70 cfs
5. Water is used for the following purposes:
amount 0.20 for Irrigation purposes from April 1 to Oct. 31
amount 0.70 for Irrigation purposes from April 1 to Oct. 31
amount for purposes from to
(month/day -- both dates inclusive)
6. Total amount of water under right: a. 13-0019 0.20 cubic feet per second
xxx 13-0020 0.70 ~~acre feet per annum~~ TOTAL: 0.90 c.f.s
7. Location of original point of diversion is NW 1/4 of NE 1/4 of Section 18
Township 15S Range 41E, B.M., in Franklin County
Additional points of diversion, if any

8. Lands irrigated or place of use: Lands irrigated by claimant lying within Sec. 15 and 24, T. 15S, R. 40E, B.M.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

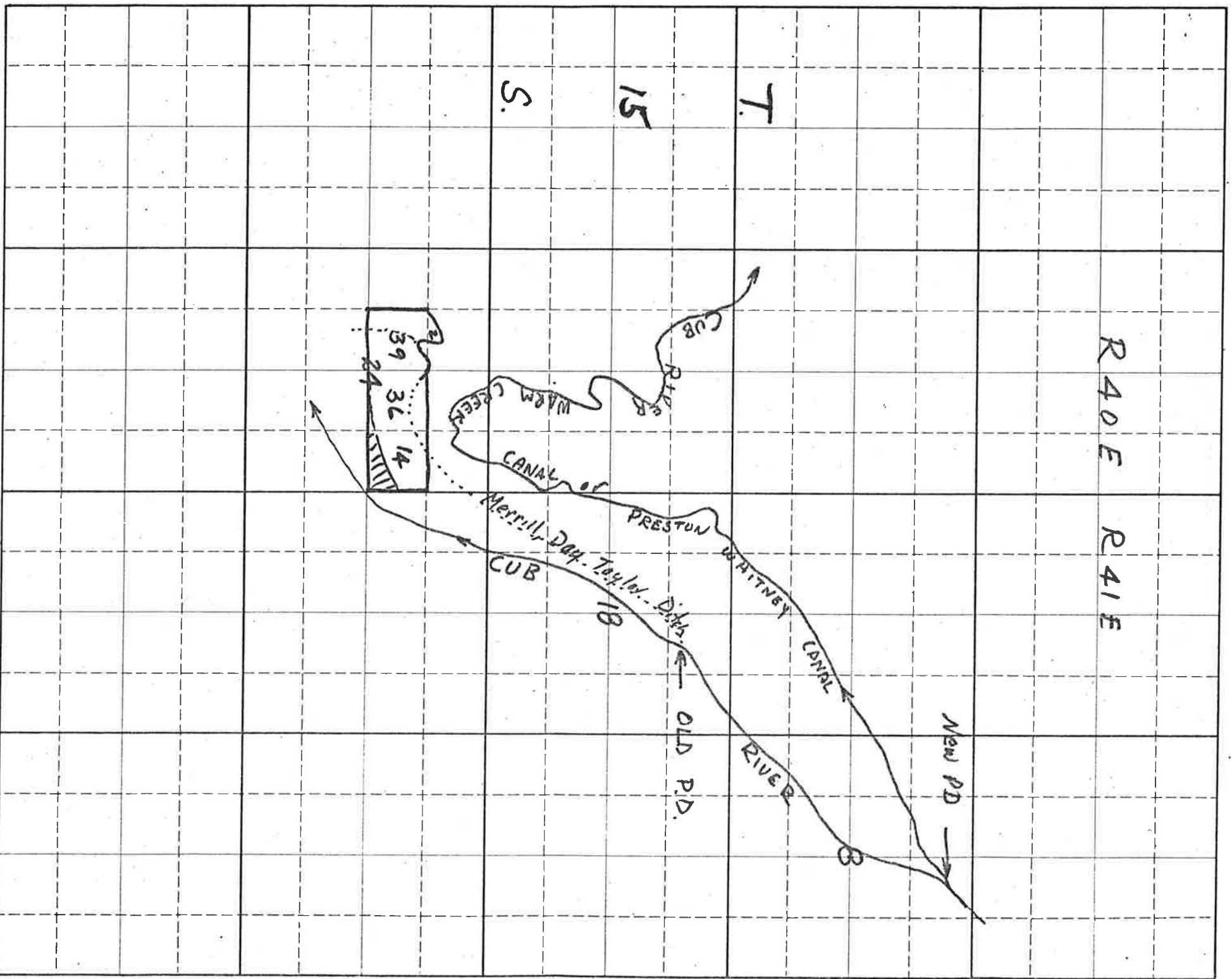
1. Change in point of diversion
- a. Amount of water to be diverted 0.90 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE ¼ NW ¼, Section 8 Township 15S
Range 41E, B.M., Franklin County
Additional points _____
- c. Description of diverting works _____
- d. Describe the reasons for applying for a change in the point(s) of diversion Have changed my method of irrigation from flood to gravity sprinkler irrigation. The Preston Whitney Ditch is at a much higher elevation and gives the required pressure for gravity sprinkler irrigation.

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	40E	24			36	14	2			39									91

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 4th day of September, 19 75
Harold A. Sharp
(Signature of applicant)

My commission expires Lifetime
La Rae E. Johnson
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 13-0019/13-0020 (1863) and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:
Pursuant to Memorandum Decision and Order of this date.

2. Denial of said application is for the following reasons: _____

Witness my hand this 7th day of September, 19 76

A. Kenneth Dunn
For the Director: A. KENNETH DUNN, Administrator

FOR DEPARTMENT USE ONLY

Received by ME Date 9-5-75
Prelim. check by LHJ Fee \$30.00 # 15405
Receipted by MB Date 9-05-75

Protest filed by Glen I. Bowman 10-06-75

Published in Preston Citizen
Pub. dates Sept. 18 & 25, 1975
Watermaster recommendation requested on 9-5-75
_____ rec'd. _____

Copies of protest forwarded by me 10-06-75
Hearing held by _____ Date _____
Recommended for approval denial
by BDF

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 13-0019/13-0020 IN THE)
NAME OF VAUDIS A. SHARP)

MEMORANDUM DECISION
AND ORDER

On September 9, 1975, Mrs. Vaudis A. Sharp filed with the Department of Water Resources Application for Transfer No. 13-0019/13-0020. The application requested a change in the point of diversion of two rights decreed to Alvin Sharp in the case of Henry T. McEwan v.s: Franklin County Sugar Company, et. al., dated July 9, 1924, in the Fifth Judicial Court of Franklin County. Notice of this proposed change in the point of diversion was advertised on the 18th of September and the 25th of September, 1975, in the Preston Citizen, Preston, Idaho, and subsequently was protested by Glenn T. Bowman.

On February 18, 1976, a hearing concerning the matter of protest was held at Preston, Idaho. The applicant was present and represented by J. D. Williams, Attorney at Law. The protestant, Glenn T. Bowman, was present also and represented by J. W. Crowther, Attorney at Law. The primary issue raised was whether the removal of the applicant's water from a ditch also used by the protestant and thus causing a rotation arrangement to cease, would cause injury to the protestant's water right.

Testimony on behalf of both the applicant and the protestant was received and the Department after having reviewed all testimonies and evidence offered and all pertinent information in the Department's official records, the Director of the Idaho Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The applicant is the successor in interest to decreed water rights 13-0019 (1882) and 13-0020 (1892) in the amount of 0.20 cubic feet per second and 0.70 cubic feet per second respectively.
2. The protestant is the successor in interest to rights decreed to B.M. Burbank, 1.00 cubic feet per second (1882) and 0.30 cubic feet per second (1883).
3. The applicant and protestant have for a number of years used water in rotation through what is known as the Merrill, Day and Taylor Ditch.
4. The Court did not require in the above decree that the rights of the applicant and protestant should be pooled and used on a rotation basis.

CONCLUSIONS OF LAW

1. The applicant is the owner of decreed rights 13-0019 and 13-0020.
2. The rotation of the use of the waters of Cub River by the applicant and protestant was mutually beneficial but was not legally required.
3. The approval of this application for transfer will not cause injury to the water rights of Glenn T. Bowman.
4. Mrs. Vaudis A. Sharp is entitled to the approval of application for transfer 13-0019/13-0020.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer No. 13-0019/13-0020 is APPROVED subject to the following conditions;

1. That the transfer is subject to the control of the watermaster of State Water District No. 13-A, Cub River.
2. That a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works.

Dated this 7 day of September, 1976.

R. Keith Higginson
R. KEITH HIGGINSON
Director